



UNITED STATES PATENT AND TRADEMARK OFFICE

11.7

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,278	12/09/2005	Kenneth Edward Frampton	DYOUNP0277US	3848

23908 7590 06/20/2007
RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

EXAMINER

KIANNI, KAVEH C

ART UNIT	PAPER NUMBER
----------	--------------

2883

MAIL DATE	DELIVERY MODE
-----------	---------------

06/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/507,278	Applicant(s) FRAMPTON ET AL.	
	Examiner Kianni C. Kaveh	Art Unit 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) 20-74 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10, 12 and 14 is/are rejected.
- 7) ☒ Claim(s) 6-8, 10, 12, 14-16 and 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Applicant's election with traverse of claims 1-19 in response/amendment submitted is acknowledged. No grounds for such traversal is provided by the applicant. This is not found persuasive and requirement is still deemed proper and is therefore made FINAL.

Claim Objections

Claims 6-8, 10, 12, 14-16 and 18-19 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 1-5. See MPEP § 608.01(n). Accordingly, the claims 6-8, 10, 12, 14-16 and 18-20 not been further treated on the merits. Corrections are required.

Allowable Subject Matter

Claims 5, 9, 11, 13 and 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable *if, no longer are objected as stated above parag.*, and rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5, 9, 11, 13 and 15-19 are allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious their respective limitations in combination with the rest of the limitations of the base claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 6-8, 10, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horne et al. (US 6723435).

Horne teaches an extruder device for forming a preform for manufacture into an optical fiber (shown in fig. 1), comprising:

a central feed channel 284 for receiving a material supply by pressure-induced fluid flow (see at least fig. item material flow from 102 that flows through pressure-induced see col. 10, last parag.-col. 11, 1st parag.);

flow diversion channels arranged to divert a first component of the material radially outwards into a welding chamber formed within the device (see item diversion channel through nozzle 252; also see another type of radially diversion channel in fig. 9);

a core forming conduit arranged to receive a second component of the material from the

Art Unit: 2883

central feed channel that has continued its onward flow (shown in fig. 1, item core of conduit 330 receiving material that has continued the flow); and
a nozzle having an outer part in flow communication with the welding chamber and an inner part in flow communication with the core forming conduit, to respectively define an outer wall and core of the preform (see at least col. 30, 4th parag. and fig. 1, item 310).

Horne further teaches wherein the device is provided with pairs of mutually facing internal walls that form gaps extending between the core forming conduit and the welding chamber and allow fluid communication therebetween, the gaps being shaped to form struts supporting the core in the outer wall (shown in at least fig. 1); wherein the mutually facing internal walls incorporate at least one bend in order to increase the radial length of the struts (shown in at least fig. 1); wherein the internal walls have a radial length greater than the gap width (shown in at least fig. 1); wherein the outer part of the nozzle is shaped to provide a circular-section preform outer wall (see fig. 1); wherein the outer part of the nozzle deviates from a circular shape so as to provide sections of preform wall interconnecting wall-to-strut junctions that are shorter than would be required to form a circular-section preform outer wall (shown in at least fig. 1); wherein the outer part of the nozzle has a first dimension defining a wall thickness of the preform outer wall and wherein said first dimension is greater than said gap between the mutually facing internal walls that form the preform struts (shown in at least fig. 1); wherein the inner part of the nozzle has a second dimension defining a core thickness of the preform core and wherein said second dimension is greater than said gap between the mutually facing internal walls that form the preform struts (shown in at least

Art Unit: 2883

fig. 1); wherein the flow diversion channels include a first group of the flow diversion channels which extend from the core forming conduit to the welding chamber (shown in at least fig. 1); wherein the flow diversion channels of the first group have a width dimension that is substantially constant in the feed direction (shown in at least fig. 1).

However, Horne does not explicitly teach wherein the above device is 'die'. It is obvious/well-known to those of ordinary skill in the art when the invention was made that a device for manufacturing optical fiber through glass preform is known as extruder die since such device would provide fiber preform with desired composition (see col. 1, 2nd parag.).

Citation of Relevant Prior Art

Prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In accordance with MPEP 707.05 the following references are pertinent in rejection of this application since they provide substantially the same information disclosure as this patent does. These references are:

(US-20020124664 or US-20020079607 US-5660977 or US-5892142 or US-6543886 or US-6723435 or US-6533400 or US-6070976-)

These references are cited herein to show the relevance of the apparatus/methods taught within these references as prior art.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kianni C. Kaveh whose telephone number is 571-272-2417. The examiner can normally be reached on 9:30-19:00.

Art Unit: 2883

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



K. Cyrus Kianni
Primary Patent Examiner
Group Art Unit 2883

K. CYRUS KIANNI
PRIMARY PATENT EXAMINER

June 14, 2007
